

**MALEN & ASSOCIATES, P.C.**

ATTORNEYS AT LAW

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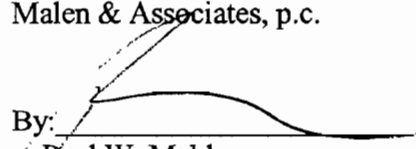
August 26, 2008

Honorable Stephen C. Robinson  
United States District Court  
for the Southern District of New York  
300 Quarropas Street, Room 633  
White Plains, NY 10601Re: Simmons v. Malen & Associates, p.c., et. al.  
Case No.: 08-6263

Dear Judge Robinson:

I am the attorney for the Defendant, Malen & Associates, p.c.. I am writing to advise the Court of the proposed briefing schedule for Defendant, Malen & Associates, p.c.'s Motion to Dismiss the Complaint. I anticipate filing the motion today. The parties have agreed, subject to the Court's approval, that Plaintiff's opposition be served and filed on or before September 17, 2008 and Defendant's reply will be served on or before October 8, 2008.

If there is any further information that you may require, please do not hesitate to contact me at your earliest convenience.

Very truly yours,  
Malen & Associates, p.c.By:   
Paul W. Mahler

Cc: Shmuel Klein, Esq.

**APPLICATION GRANTED**  
HON. STEPHEN C. ROBINSON

8/29/08